

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHREE HARIHAR CORP., *et al.*,

Plaintiffs,

v.

WESTFIELD INSURANCE  
COMPANY,

Defendant.

Case No. 23-cv-11090  
Honorable Sean F. Cox  
Magistrate Judge Elizabeth A. Stafford

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**ORDER GRANTING ATTORNEYS' FEES AND DEFERRING  
RECOMMENDATION ON DEFENDANT'S MOTION TO DISMISS (ECF  
NO. 30)**

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Defendant Westfield Insurance Company moves to dismiss the case under Federal Rule of Civil Procedure 37 for Plaintiffs Shree Harihar Corp. and Leo Capital BW, LLC's failure to comply with an order to compel. ECF No. 30. The Honorable Sean F. Cox referred the motion to the undersigned for a report and recommendation under 28 U.S.C. § 636(b)(1)(B). ECF No. 31.

The Court held a motion hearing on February 26, 2025, during which it summarized several ways in which plaintiffs have violated the discovery

rules. For the reasons stated on the record, the Court **GRANTS** Westfield its attorneys' fees and costs incurred in bringing the motion.

Because discovery does not close until March 31, 2025, the Court will grant plaintiffs one final opportunity to fully respond to Westfield's discovery requests as required under the Federal Rules of Civil Procedure. No objections may be asserted in response to the requests because plaintiffs' untimely and boilerplate objections operated as a waiver. *See Siser v. N. Am., Inc. v. Herika G. Inc.*, 325 F.R.D. 200, 210 (E.D. Mich. 2018). But plaintiffs may assert attorney-client privilege and the work-product doctrine if they prepare a privilege log. These discovery responses must be served by **March 12, 2025**. If plaintiffs do not comply with this order, the Court will recommend dismissing the case.

By **March 28, 2025**, Westfield must file its bill of costs and a memorandum identifying any discovery requests that remain outstanding. The Court defers making a recommendation on Westfield's motion to dismiss and will hold another hearing on **April 2, 2025**, at 3:00 p.m.

s/Elizabeth A. Stafford  
ELIZABETH A. STAFFORD  
United States Magistrate Judge

Dated: February 27, 2025

### **NOTICE TO PARTIES ABOUT OBJECTIONS**

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

### **CERTIFICATE OF SERVICE**

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court’s ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 27, 2025.

s/Davon Allen  
DAVON ALLEN  
Case Manager